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12 ***Attorneys for Defendants Eddie Scott,
13 Kevin Patimeteeporn, and Timothy Dorion***

14
15 UNITED STATES DISTRICT COURT
16
17 DISTRICT OF NEVADA

18 LUIS CERVANTES,

CASE NO.: 2:17-cv-00562-MMD-DJA

19 Plaintiff,

20 vs.

21 LAS VEGAS METROPOLITAN POLICE
22 DEPARTMENT, a political subdivision of the
23 State of Nevada; EDDIE SCOTT, P#15631, in
24 his individual and official capacities; KEVIN
14 PATIMETEEPORN, P#14529, in his
15 individual and official capacities; and
16 TIMOTHY DORION, P#14942, in his
17 individual and official capacities,

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Defendants.

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**STIPULATION AND [PROPOSED]
21 ORDER TO CONTINUE JURY TRIAL**

22
(Third Request)

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Defendants, Eddie Scott, Kevin Patimeteeporn and Timothy Dorion (“LVMPD
24 Defendants”), through their counsel, Kaempfer Crowell, and Plaintiff, Luis Cervantes (“Plaintiff”)
through his counsel, Trevor Hatfiled, hereby jointly stipulate and agree to a third continuance of
the jury trial and represent as follows:

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1 1) A Jury Trial in this matter is currently set on a three-week stack to commence on
2 February 27, 2023 at 9:00 a.m. and a Calendar Call is currently set for February 21, 2023 at 1:00
3 p.m. via telephone.

4 2) This request is submitted pursuant to LR IA 6-1, 6-2 and LR II 7-01 and is the
5 parties' third request for a continuance of the jury trial [ECF Nos. 155 and 161], and all trial
6 related deadlines. The parties respectfully request that the trial be moved to the Court's June 27
7 trial stack.

8 3) This Court has discretion to re-schedule the current trial setting. District courts
9 have inherent power to control their dockets. *Hamilton Copper & Steel Corp., v. Primary Steel,*
10 *Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). A
11 motion for continuance of trial should be granted for good cause. Fed. R. Civ. P. 16(b)(4). "The
12 determination of whether to grant a motion for trial continuance rests in the sound discretion of the
13 trial court." *U.S. v. Makley*, 468 F.2d 916, 917 (9th Cir. 1972).

14 4) The parties submit that good cause for a continuance of the current jury trial exists.
15 As the Court is aware, the individual Defendants in this matter are Clark County Detention Center
16 Corrections Officers. Two of the individual Defendants have conflicts with the current trial date
17 for the following reasons. Defendant Scott is currently a member of the United States Army
18 Reserve and has orders from his command requiring him to attend training on March 2, 2023 and
19 March 3, 2023 and thus he would be unavailable those days. Defendant Patimeteeporn is currently
20 a specialized (SERT) instructor at the Las Vegas Metropolitan Police Department's Academy for
21 Correction Officer recruits. He will be instructing the entire Corrections Officer Academy
22 February 27, 2023 through March 10, 2023 and will not be available.

1 5) This request is not being made to cause undue delay and is being made in good
2 faith. No party will be prejudiced by this request. This request will ensure all parties appearance
3 and participation at the trial during the June 27, 2023 trial stack.

4 DATED this _____ day of January, 2023.

5 KAEMPFER CROWELL

HATFIELD & ASSOCIATES, LTD.

6 By: /s/ Lyssa S. Anderson
7 Lyssa Anderson (5781)
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9 *Attorneys for Defendants
10 Officers Eddie Scott, Kevin
11 Patimeteeporn and Timothy Dorion*

Attorney for Plaintiff Luis Cervantes

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ORDER

12 **IT IS SO ORDERED.** Jury trial reset to 6/27/2023 at 9:00 AM; Calendar call is reset to
13 June 20, 2023 at 1 pm (by telephone.)

14 Dated this 8th day of January, 2023.



15 UNITED STATES DISTRICT COURT JUDGE

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